

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. STEBBINS,

Plaintiff,

v.

KARL POLANO, et al.,

Defendants.

Case No. 21-cv-04184-JSW

**ORDER DENYING EMERGENCY
MOTION TO STRIKE**

Re: Dkt. No. 142

Plaintiff has filed a motion styled as an emergency motion to strike the motion to intervene filed by Alphabet Inc. and YouTube LLC. (Dkt. No. 138.) Plaintiff's motion is nothing more than an attempted challenge to the legal sufficiency of motion to intervene. The Court DENIES Plaintiff's motion.

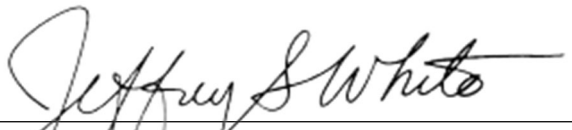
Motions to strike are governed by Rule 12(f), which states that "[t]he court may strike from a *pleading* an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f) (emphasis added). Rule 7(a) defines a pleading as "(1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; and (7) if the court orders one, a reply to an answer." Fed. R. Civ. P. 7(a). A motion to intervene is not a pleading and therefore is not susceptible to a motion to strike. Even if this were not the case, Rule 12(f) does not apply because the motion to intervene is not redundant, immaterial, impertinent, or scandalous. Plaintiff may raise his arguments in opposition to intervention in his response to the motion to intervene.

Further, the Court takes issue with Plaintiff's repeated characterization of his motions as "emergency" motions. The Court has already stricken a previous "emergency motion" for failure

1 to comply with the Local Rules. (Dkt. No. 134.) Despite numerous admonishments, Plaintiff
2 continues to file requests with the Court that do not comply with the Federal Rules of Civil
3 Procedure and the Local Rules. *Pro se* litigants are not immune from the rules of procedure that
4 govern other litigants. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Plaintiff's improperly
5 filed motions preempt the use of judicial resources that might otherwise be devoted to adjudicating
6 the meritorious claims of other litigants. If Plaintiff continues to abuse the judicial process in this
7 way, the Court will issue an order to show cause why he should not be declared a vexatious
8 litigant subject to a pre-filing order.

9 **IT IS SO ORDERED.**

10 Dated: April 27, 2022

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12 JEFFREY S. WHITE
13 United States District Judge
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